

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

HARRY G. BEYOGLIDES, JR.,
Special Administrator of the Estate of
Robert A. Richardson, Sr., Deceased,

Case No. 3:14-cv-158

Plaintiff,

vs.

MONTGOMERY COUNTY SHERIFF, *et al.*,

Magistrate Judge Michael J. Newman
(Consent Case)

Defendants.

ORDER AND ENTRY: (1) GRANTING DEFENDANTS' UNOPPOSED MOTION TO ENFORCE A SUBPOENA ISSUED TO MARCUS MAXWELL (DOC. 49); (2) DIRECTING MARCUS MAXWELL TO APPEAR BEFORE THE COURT ON MARCH 7, 2016 TO SHOW CAUSE FOR FAILURE TO COMPLY WITH A SUBPOENA; (3) DIRECTING MARCUS MAXWELL TO APPEAR FOR DEPOSITION ON FEBRUARY 29, 2016; AND (4) ORDERING THIS ORDER BE PERSONALLY SERVED ON MARCUS MAXWELL BY THE UNITED STATES MARSHAL

This civil consent case is before the Court on Defendants' unopposed motion to enforce a subpoena issued to Marcus Maxwell ("Maxwell"). Doc. 49. Defendants issued a subpoena -- along with payment of a witness fee and reasonable mileage -- to Maxwell on January 6, 2016, which directed him to appear for deposition on January 19, 2016. Doc. 49 at PageID 407-10. Maxwell was served on January 11, 2016. *Id.* at PageID 407. Maxwell failed to appear for the January 19, 2016 deposition, and further failed to appear for a rescheduled deposition -- arranged between counsel and Maxwell personally -- on January 29, 2016. *Id.* at PageID 404-05. Counsel have now agreed to, again, reschedule Maxwell's deposition for February 29, 2016, and request an directing him to appear on that date. *Id.*

It appearing that Maxwell may be in contempt for failing to comply with a lawfully issued subpoena, the Court **ORDERS** Maxwell to personally appear before the undersigned United States Magistrate Judge on **March 7, 2016** in Courtroom #4 of the Federal Building (200 West Second Street, Fifth Floor, Dayton, Ohio 45202) to **SHOW CAUSE** as to why he should not be held in contempt. Failure to appear and show cause as **ORDERED** may result in sanctions and/or the issuance of an arrest warrant.

Maxwell is further **ORDERED** to appear for deposition on **February 29, 2016 at 1:00 p.m.** for deposition at the office of Dinkler Pregon LLC (5335 Far Hills Avenue, Suite 123, Dayton, Ohio 45429). Should Maxwell appear for deposition as **ORDERED** on **February 29, 2016**, this Show Cause Order and the Show Cause hearing set for March 7, 2016 will be vacated. Should Maxwell fail to appear for deposition as **ORDERED** herein, he shall appear before the undersigned on March 7, 2016 to **SHOW CAUSE** as to why he should not be held in contempt.

Counsel are **ORDERED** to advise the Court as to whether or not Maxwell appeared for deposition by jointly filing a notice on the Court's docket on or before **4:00 p.m. on March 1, 2016**.

This Order shall be personally served upon Marcus Maxwell at 3943 Beatty Road, Dayton, Ohio 45416 by the United States Marshal.

IT IS SO ORDERED.

Date: February 19, 2016

s/ Michael J. Newman
Michael J. Newman
United States Magistrate Judge